

HOUSE BILL NO. 111

INTRODUCED BY B. LAWSON

A BILL FOR AN ACT ENTITLED: "AN ACT REMOVING THE LIMITS ON LOCAL LAKESHORE PROTECTION FEES; AMENDING SECTION 75-7-210, MCA; AND PROVIDING AN EFFECTIVE DATE."

WHEREAS, the revenue from the maximum local lakeshore protection fees established in Montana law is substantially less than the cost of administering the lakeshore protection laws; and

WHEREAS, the lakeshore protection laws impose a significantly underfunded mandate on local governments.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 75-7-210, MCA, is amended to read:

"75-7-210. Application for permit -- fee -- limitations. (1) A person seeking a permit for work in a lake or on a lakeshore shall apply to the local governing body and shall pay a permit fee established by the governing body under subsection (2).

(2) ~~(a)~~ The local governing body shall establish a permit fee as provided in subsection (1). The permit fee must ~~reasonably address~~ BE COMMENSURATE WITH the cost of administering the permit application. Factors the local governing body shall consider when establishing the fee include but are not limited to:

~~(i)(a)~~ the annual estimated total number of permit requests;

~~(ii)(b)~~ the complexity of the specific project;

~~(iii)(c)~~ the need for and location and number of onsite investigations; and

~~(iv)(d)~~ the estimated cost of the specific project.

~~(b) The fees established in this subsection may not exceed the following limits:~~

~~(i) \$25 for residential permits not requiring a variance from the local governing authority;~~

~~(ii) \$60 for residential permits requiring a variance from the local governing authority;~~

~~(iii) \$60 for commercial permits not requiring a variance from the local governing authority; and~~

~~(iv) \$150 for commercial permits requiring a variance from the local governing authority."~~

